HIGH COURT OF UTTARANCHAL AT- NAINITAL

Writ Petition No. 822(S/S)2004

Mohd. Naseem Khan S/o Sri Zahur Hussun
Presently posted as Asstt. Teacher, Govt. High School,
Bheemawala, Dehradun. ….Petitioner.

Vs.

State of Uttaranchal, through Secretary,
Education, Secretariat, Dehradun.
And another. ….Respondents.

Sri. B.P. Nautiyal, learned counsel for the petitioner,
Sri J.P. Joshi, learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri. B.P. Nautiyal, learned counsel for the petitioner and Sri J.P. Joshi, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has challenged the order dated 25th June 2004 passed by Addl. Director of Education, Garhwal Mandal, Pauri Garhwal whereby he has been transferred from Bheemawala, district Dehradun to Kandwalgoan, district Chamoli.

I have perused the medical certificate submitted by the petitioner. From the certificates it appears that his treatment was done by the Research Centre PGI, Chandigarh and thereafter he approached to All India Institute of Medical Science, New Delhi for his treatment. The petitioner has filed the certificate issued by the Research Centre PGI, Chandigarh, AIIMS-New Delhi and G.B. Pant, New Delhi that he is suffering from Cardiac disease.

In view of the aforesaid facts, it will be just and proper to stay the operation of order dated 25.06.2004 till the decision is taken by the Director of Education, Garhwal Mandal Pauri on the representation of the petitioner. The Director of Education is directed to take decision on the representation of the petitioner within four weeks from today. While deciding the representation, the Director shall consider the difficulty which the petitioner can face on being transfer from the present place, keeping in view of his disease, and shall adjust him in the city like Haridwar, Kashipur, Udhamsing Nagar and such other places, if it is possible.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 22, 2004:
NCM: